

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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LUCIA SOUZA,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 7/28/11
DATE FILED: 7/28/11

Plaintiff,
-----X
-against-
10 Civ. 5938 (DAB) (KNF)
ADOPTION OF REPORT
AND RECOMMENDATION
AMERICAN AIRLINES, INC.,

Defendant.
-----X
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the July 7, 2011 Report and Recommendation of United States Magistrate Judge Kevin N. Fox (the "Report"). The Report recommends that Defendant's Motion for Summary Judgment be granted and that Defendant's liability be limited to 1,131 Special Drawing Rights, pursuant to the Convention for the Unification of Certain Rules for International Carriage by Air, May 28, 1999, T.I.A.S. 13038, 2242 U.N.T.S. 350 (entered into force Nov. 3, 2003) (the "Montreal Convention"). (Report at 1, 6.)

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v.

United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). “[F]ailure to object timely to a magistrate’s report operates as a waiver of any further judicial review of the magistrate’s decision.” Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate’s report “explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review...” Small, 892 F.2d at 16.

Despite being advised by the Report of the procedure for filing objections, and despite being warned by the Report that failure to file objections would waive objections and preclude appellate review, (Report at 7), Plaintiff has filed no objections to the Report. Nor has Defendant filed objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Kevin N. Fox, dated July 7, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. Defendant’s Motion for Summary Judgment is GRANTED. Pursuant to the Montreal Convention, Defendant’s

liability to Plaintiff is limited to 1,131 Special Drawing Rights.

SO ORDERED.

Dated: New York, New York

July 28, 2011

Deborah A. Batts

Deborah A. Batts
United States District Judge